

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:)

Opinion requested by)
Dugald Gillies, Vice President)
California Association of Realtors)

No. 75-062
August 21, 1975

BY THE COMMISSION: We have been asked the following questions by Dugald Gillies, Vice President of the California Association of Realtors:

The California Association of Realtors, an employer of a lobbyist, wishes to sponsor an event termed "Legislative Day." A luncheon will be held to which members of the legislature will be invited as guests of the Association. About 700 persons will attend this luncheon, perhaps 60 or 70 of whom will be legislators.

Each of the persons, except for the legislators, attending the luncheon will pay for his or her luncheon ticket. The cost of the ticket will be placed at such an amount as will attempt to offset the cost of the guests and other overhead. The cost of the meal for each legislator who will be the Association's guest will be approximately \$7.00.

(1) In reporting this item under Government Code Section 86109(c),^{1/} will the California Association of Realtors, in addition to reporting the total amount paid to the Senator Hotel, be required to report the name of each legislator who attended the luncheon as a guest of the Association?

(2) If the answer to question (1) is in the affirmative, what value would be reported as having been given to each beneficiary?

(3) Would it be necessary for the Association to attempt to ascertain the name of every person attending and participating in that luncheon, whether or not they paid for their own ticket, and to list and report them as beneficiaries when the Association files reports as an employer of a lobbyist?

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All statutory references are to the Government Code unless otherwise noted.

CONCLUSION

- (1) The Association must report the name of each legislator who attended as a guest and the total amount paid for their benefit.
- (2) The Act does not require an individual listing of the value accruing to each beneficiary.
- (3) It is not necessary for the name of every person attending and participating to be listed as a beneficiary.

ANALYSIS


The Association is the employer of a lobbyist and, thus, is required by the Political Reform Act to file statements reporting payments to influence legislative or administrative action which aggregate in an amount of \$25 or more and the name of the beneficiary of each expenditure if the beneficiary is other than the payee or the filer. Section 86109(c). A "[p]ayment to influence legislative or administrative action" includes any payment "which ... benefits any elective state official." Section 82045(c). Since the payment by the Association to the Senator Hotel benefits legislators, and is a payment to influence legislative or administrative action of \$25 or more, the name of each legislator who is a beneficiary must be listed, but where, as here, a single payment benefits numerous officials, there is no requirement that the amount of the benefit to each official be stated separately.^{2/}

The names of persons who purchase tickets to the luncheon need not be reported by the Association. Although the Association pays the Senator Hotel for the cost of the entire luncheon, the Association is in reality merely acting as a conduit for the money with respect to ticket purchasers. The Association has not in any significant sense made a payment to benefit

^{2/} Each legislator receives a gift from the Association in the amount of the fair market value of attending the luncheon. If this gift and any others received from the Association during a reporting period total \$25 or more during a reporting period the gifts must be reported by the legislator. See Section 87207(a)(1).

such persons, and the listing of their names on a statement filed under the Act would be misleading and would serve no purpose.

Approved by the Commission on August 21, 1975.
Concurring: Brosnahan, Carpenter, Lowenstein, Miller and Waters.


Daniel H. Lowenstein
Chairman